



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

## DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

## IMPLANTABLE VASCULAR DEVICE

the specification of which was filed on November 25, 2003, as Serial No. 10/721,582, and that this application is a Continuation Application and claims subject matter disclosed in my earlier filed Patent Application Serial No. 09/777,091, filed February 5, 2001, and Provisional Application, Serial No. 60/180,002, filed February 3, 2000.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

None

I hereby claim the benefit under Title 35, United States Code, Section 119(e) of any United States provisional application(s) listed below:

<u>Application No.</u>	<u>Date Filed</u>
60/180,002	February 3, 2000

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States applications listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35,

United States Code, 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

<u>Serial Number</u>	<u>Date Filed</u>	<u>Status</u>
09/777,091	February 5, 2001	Pending

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint Richard J. Godlewski, Reg. No. 30,056, Charles W. Agnew, Reg. No. 44,497, and James B. Hunt, Reg. No. 40,276, as my attorneys, with full power of substitution and revocation, to prosecute said application, to make alterations and amendments therein, to receive the patent, and to transact all business in the Patent and Trademark Office connected therewith.

It is respectfully requested that all written communications from the Patent and Trademark Office in connection with this application be addressed to:

Charles W. Agnew  
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Full name of

1st inventor Joseph F. Obermiller

Inventor's  
Signature



Date

May 19, 2004

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